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UNITED STATES DISTRICT COURT DISTRICT OF OREGON PORTLAND DIVISION

PENGUIN GROUP (USA), INC.,) Case No.: 3:13-CV-00497
Plaintiff,) DECLARATION OF LIBBY) HUBBARD IN SUPPORT OF) MOTION TO TRANSFER ACTION TO) DISTRICT OF ARIZONA
v.	
AMERICAN BUDDHA,	
Defendant.)))

DECLARATION OF LIBBY HUBBARD

Libby Hubbard hereby declares:

- 1. I am a competent adult, and state the following matters of personally knowledge.
- **2.** I am a resident of Tucson, Arizona and a member of the Nader Library located in Tucson, Arizona at 2165 S. Avenida Planeta, Tucson Arizona (the "Library Premises").
- **3.** I became a member of Nader Library on February 19, 2011 when I signed the Nader Library / ABOL User Signup Form, and was issued a library card. This took place at the Library Premises.
- **4.** I have attended many "Open Mic" events at the Library Premises. The Open Mic events at the Library Premises have been open to the public, advertised widely throughout the Tucson community through flyers and leaflets, and attracted poets, performance artists, and

musicians. I have performed my own work many times over the last three years at the Nader Library Open Mic, both spoken words and musical compositions, and have met and conversed with artists, musicians, and authors at the event.

5. I would be able to testify to the existence and legitimate operation of a physical library at the Library Premises if a trial were held in Tucson, Arizona; however, because of the time and expense involved, I would not be able to testify in Portland, Oregon.

I declare and affirm, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct under the law of the United States of America, and that this declaration was signed on June 17, 2013, at Tucson, Arizona.

Libby Hubbard, Declarant